

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DONALD W. DAVIS, II,

Plaintiff,

v.

Case No. 08-C-17

TODD NEHLS, OFFICER COVINGTON,
JOHN DOE, OFFICER MEYERS,
KEVIN HILL, ROCK COUNTY SHERIFF,
ROCK COUNTY JAIL ADMINISTRATOR,
ROCK COUNTY CLASSIFICATION SPECIALIST,
and JOHN DOES,

Defendants.

ORDER

Plaintiff Donald W. Davis, II, who is proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 and has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Pursuant to the Prison Litigation Reform Act (PLRA), the plaintiff is required to pay the statutory filing fee of \$350.00 for this action. See 28 U.S.C. § 1915(b)(1).

By letters dated January 8, 2008, and April 29, 2008, the plaintiff was directed to forward to the clerk of court a certified copy of his prison trust account statement for the preceding six months. The plaintiff was advised that the PLRA requires that he file such a statement and the April 29, 2008, letter stated that the plaintiff should file the statement within 30 days, or by May 29, 2008. To date, the plaintiff has not filed a certified copy of his prison trust account statement. From this failure to file the

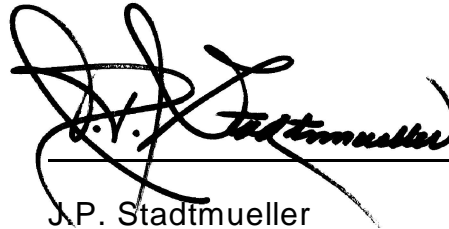
required statement this court infers that the plaintiff no longer wants to prosecute this action. Therefore, the court will dismiss this case without prejudice.

NOW, THEREFORE, IT IS ORDERED that this action be and hereby is dismissed without prejudice for failure to prosecute.

IT IS FURTHER ORDERED that this dismissal will not be counted as a "strike" under 28 U.S.C. § 1915(g).

Dated at Milwaukee, Wisconsin, this 30th day of May, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge